



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BURRUSS et al. v. NELSON'S EX'R et al.

Jan. 19, 1922.

[110 S. E. 254.]

1. Wills (§ 694*)—Appointment by Will of Life Tenant under Power Lapsed Where Appointee Died before Life Tenant.—An appointment by will of a life tenant under a testamentary power lapsed on the death of the appointee before the life tenant, and the property passed as on failure to execute power.

2. Specific Performance (§ 121 (2)*)—Enforcement of Parol Contract to Devise Land Depends on Clear and Convincing Proof.—The enforcement in equity of a parol contract to devise land depends on clear and convincing proof.

Appeal from Circuit Court, Orange County.

Suit by M. T. Burruss, administrator of Robert P. Davis, and another, against Octavia Nelson's Executor and others. Decree for defendants, and plaintiffs appeal. Affirmed.

Jas. C. Page, of Richmond, and *W. W. Butzner*, of Fredericksburg, for appellants.

Browning & Browning and *Shackelford & Robertson*, all of Orange, for appellees.

LOWRY v. COMMONWEALTH.

Jan. 19, 1922.

[110 S. E. 256.]

1. Criminal Law (§ 881 (4)*)—General Verdict Sufficient When Indictment in Omnibus Form for Violating Liquor Law.—Though an indictment for the violation of the prohibition law is in the omnibus form prescribed by Acts 1918, c. 388, a general verdict of guilty is sufficient.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 612.]

2. Intoxicating Liquors (§ 132*)—State Law Not Superseded by National Law.—The state prohibition law (Acts 1918, c. 388), is not superseded by the act of Congress known as the Volstead Act.

3. Criminal Law (§ 1213*)—Sentence for Violating Prohibition Law Held Not to Impose Cruel and Unusual Punishment.—A sentence fixing the punishment for violating the prohibition law at six months in jail and a fine of \$500 does not impose cruel and unusual punishment, in violation of the Constitution.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 199.]

Error to Circuit Court, Norfolk County.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.